

REMARKS

Claims pending in the instant application are numbered 1-28 and 33-36. Claims 1-28 and 33-36 presently stand rejected. Claims 1, 13, 25, 26 and 33 have been amended. The Applicants respectfully request reconsideration of the present application in view of the amendments and the following remarks.

Change of Correspondence Address

The Examiner is advised that the mailing address for all correspondence relating to the present application was changed with the filing of a Declaration and Power of Attorney. Accordingly, please address all future correspondence to:

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1030

Proposed Drawing Amendment mailed June 26, 2003

A request for approval of proposed drawing amendment was filed on June 26, 2003. The Applicants request the Examiner indicate the status of the drawing amendment in the next Official Action.

35 U.S.C. § 102 and § 103 Rejections

Claims 1-9, 11, 12, 14-16, 22-24, 26-28 and 33-36 are rejected under 102(b) as being clearly anticipated by Yasuda et al., U.S. Patent Number 4,947,398. Claims 10, 13, 17-21 and 25 are rejected under 35 § U.S.C. 103(a) as being unpatentable over Yasuda.

Claim 1 as presently amended expressly recites, in pertinent part:

“the grid generator of a first selected optical path length determinative of a first free spectral range having a first plurality of transmission peaks corresponding to gridlines of the selected wavelength grid” and

“the channel selector with a tunable second optical path length determinative of a second free spectral range having a second plurality of transmission peaks within the selected wavelength grid.”

Yasuda is directed to a laser device with wavelength stabilization control. Yasuda discloses a course tuning etalon 4 and a fine tuning etalon 5. The free spectral range FSR1 of course tuning etalon 4 must be wide enough to ensure only one of the wavelengths at peaks of the transmission of etalon 4 falls within the gain region of the laser medium (col. 3, lines 50-55). Thus, Yasuda discloses one peak within the gain region, while the presently claimed invention expressly claims the grid generator and the channel selector to each generate a plurality of transmission peaks in the selected wavelength grid.

Thus, Yasuda fails to disclose, teach or fairly suggest at least one or more expressly recited elements of the Applicants' presently claimed invention. Therefore, the presently claimed invention would not be anticipated nor rendered obvious by Yasuda. Independent claim 33 distinguishes for the same reasons as claim 1. Claims 2-28 and 34-36 are dependent claims and distinguish for at least the same reasons as their respective independent base claims in addition to adding further limitations of their own.

Conflicting Claims

The Examiner notes on page 6 of the instant Office Action that claims 1-28 and 33-36 of this application conflict with claims 1-17, 19-34 and 35-54 of Application No. 10/099649 (Attorney Docket P14868X) and claims 88, 89, 91, 92, 97-99 and 101-125 of Application No. 09/626526 (Attorney Docket P14868.) The applications have been amended with the intention to resolve the conflicts.

Conclusion

The Applicants submit that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicants respectfully requests the Examiner to issue a Notice of Allowance in this case

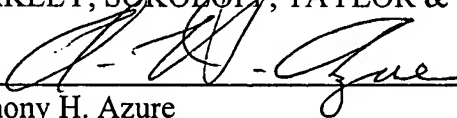
Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 11-4-03


Anthony H. Azure

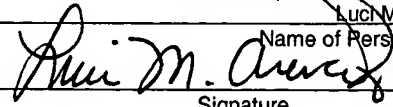
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Express Mail No.: EV320118568US I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and is addressed to Mail Stop RCE, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450

on November 4, 2003
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